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Attorney for Plaintiff

MARILYN KENDRICK

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARILYN KENDRICK,

Plaintiff,

vs.

SAM'S WEST, INC. dba SAM'S CLUB STORE

#6257; DOES 1 through 10; and ROE

CORPORATIONS 1 through 10, inclusive,

Defendants.

Case No.: 2:23-cv-02118-GMN-EJY

**STIPULATION AND ORDER TO
EXTEND DISCOVERY PLAN AND
SCHEDULING ORDER
(THIRD REQUEST)**

Plaintiff, MARILYN KENDRICK ("Plaintiff"), and Defendant, SAM'S WEST, INC. dba SAM'S CLUB STORE #6257 ("Defendant"), by and through their respective attorneys of record, hereby submit this Stipulation and Order to Extend Discovery Deadlines (Third Request) for the Court's consideration pursuant to LR 26-4.

I. DISCOVERY COMPLETED

1. On November 17, 2023, Plaintiff filed her Complaint.
2. On December 21, 2023, Defendant filed its Answer to Plaintiff's Complaint.
3. On December 22, 2023, Defendant removed the case to the U.S. District Court.
4. On February 21, 2024, Plaintiff served her initial FRCP disclosures.
5. On February 26, 2024, Defendant served its initial FRCP disclosures.
6. On May 2, 2024, Plaintiff served her first supplemental FRCP disclosures.
7. On May 17, 2024, Plaintiff served her second supplemental FRCP disclosures.
8. On June 25, 2024, a Site Inspection was completed.
9. On July 2, 2024, Plaintiff served her first Request for Interrogatories.

10. On July 2, 2024, Plaintiff served her first Request for Production.

11. On July 2, 2024, Plaintiff served her first Request for Admissions.

12. On July 3, Defendant served its First Request for Admissions.

13. On July 3, 2024, Defendant served its First Request for Production.

14. On July 3, 2024, Defendant served its First Set of Interrogatories.

15. On July 10, 2024, Plaintiff served her third FRCP disclosures

16. On July 16, 2024, Plaintiff served her Responses to Requests for Admissions.

17. On August 15, 2024, Plaintiff served her Responses to Requests for Production.

18. On August 19, 2024, Plaintiff served her Answers to Interrogatories.

19. On August 29, 2024, Defendant took Plaintiff's deposition.

II. DISCOVERY REMAINING

1. Deposition of Sam's West, Inc. pursuant to FRCP 30(b)(6).

2. Expert discovery and depositions.

3. Depositions of Plaintiff's treating providers.

4. Depositions of percipient witnesses.

III. REASONS WHY DISCOVERY NOT COMPLETED WITHIN THE TIME SET BY DISCOVERY PLAN

Good cause exists in this case to grant a discovery extension. Although this is the parties' third request for an extension of the discovery deadlines in this matter, the parties have diligently worked to move the case forward and have been working toward early settlement. To that end, the parties are scheduled for private mediation conference with Honorable Trevor Atkin (Ret.) on November 7, 2024, and wish to continue expert discovery and associated costs until after the mediation date. Additionally, Defendant's representation in this matter is transferring to new defense counsel and a brief extension of time is needed for new defense counsel to prepare for expert discovery. Thus, the parties request that current discovery deadlines be extended by 45 days as detailed below to allow time for new counsel to assume the representation of Defendant and to allow time for the parties to attempt resolution through private mediation.

LR 26-3 governs modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion to extend or modify that Discovery Plan and Scheduling Order must be made no

1 later than twenty-one (21) days before the expiration of the subject deadline and must comply fully
 2 with LR 26-3. This stipulation is made more than 21 days before the expiration of the deadlines
 3 requested and is the third request for extension of time in this matter. The parties respectfully submit
 4 that the reasons set forth above constitute compelling reasons for the short extension.

5 **IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

6 DISCOVERY	CURRENT DEADLINE	PROPOSED DEADLINE
7 Add Parties and Amend Pleadings	CLOSED	CLOSED
8 Initial Expert Disclosure	October 25, 2024	December 9, 2024
9 Rebuttal Expert Disclosure	November 25, 2024	January 9, 2025
10 Close of Discovery	December 23, 2024	February 6, 2025
11 Dispositive Motions	January 21, 2025	March 7, 2025
12 Joint Pretrial Order	February 25, 2025	April 11, 2025

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WHEREFORE, the parties respectfully request that this Court extend the discovery period by forty-five (45) days from the current deadline of *December 23, 2024*, up to and including *February 6, 2024*, and the other dates as outlined in accordance with the table above.

DATED this 2nd day of October, 2024.

DATED this 2nd day of October, 2024.

REMMELE LAW FIRM

LAW OFFICE OF FOULGER & PECK

/s/ Jonathan T. Rimmel
JONATHAN T. REMMEL, ESQ. (8627)
Attorney for Plaintiff
MARILYN KENDRICK

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KURT R. BONDS, ESQ. (6228)
TANYA M. FRASER, ESQ. (13872)

Attorneys for Defendant
SAM'S WEST, INC. dba
SAM'S CLUB STORE #6257

ORDER

IT IS SO ORDERED:

Dated this 2nd day of October, 2024


UNITED STATES MAGISTRATE JUDGE

Submitted by:
REMMELE LAW FIRM

/s/ Jonathan T. Rimmel
JONATHAN T. REMMEL, ESQ. (8627)
Attorney for Plaintiff